

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

IN RE:

**LEROY DAVID DEBERRY AKA DAVID
DEBERRY AKA LEROY D DEBERRY
LINDA HILL DEBERRY AKA LINDA
KAYE DEBERRY AKA LINDA
DEBERRY AKA LINDA K TODD**

**11-80707
CHAPTER 13**

OBJECTION TO CONFIRMATION

COMES NOW Wells Fargo Bank, NA, by and through undersigned Counsel, and hereby objects to the confirmation of the Debtors' plan. The objection is supported as follows:

1. The Debtors Leroy David Deberry aka David Deberry aka Leroy D Deberry and Linda Hill Deberry aka Linda Kaye Deberry aka Linda Deberry aka Linda K Todd, filed their Chapter 13 bankruptcy on April 28, 2011, in the Middle District of North Carolina, Durham Division.
2. The petition lists Wells Fargo Bank, NA as having a secured claim on the Debtors' real property located at 10001 Academy Rd, Laurinburg, NC 28352.
3. Pursuant to the Note, the loan will mature on October 11, 2011. The Plan as proposed fails to provide for payment in full of Wells Fargo Bank, NA's total secured claim of \$59,073.43 during the life of the plan. The plan also attempts to require Wells Fargo Bank, NA to continue escrowing for taxes and insurance.
4. The Plan as proposed fails to comply with the provisions of 11 U.S.C. Sec. 1325.

WHEREFORE, Wells Fargo Bank, NA prays the Court grant the following relief:

1. Modify the plan to provide for payment of Wells Fargo Bank, NA's claim in full during the life of the plan at the contractual rate of interest, require the debtors to pay the homeowner's insurance directly, and provide for payment of the future real property taxes through the plan.
2. In the alternative, deny confirmation of the Debtors' Plan for failure to account for the arrears due to Wells Fargo Bank, NA;
3. In the alternative, dismiss the Debtors' Chapter 13 Petition;
4. Grant Wells Fargo Bank, NA's attorney's fees of \$300 for this objection;
5. For such other and further relief as this Court deems just and proper.

This the 14th day of September, 2011

S/ Kimberly A. Sheek
Kimberly A. Sheek
N.C. State Bar No.: 34199
Attorney for Creditor
Wells Fargo Bank, NA
SHAPIRO & INGLE, L.L.P.
10130 Perimeter Parkway, Suite 400
Charlotte, NC 28216
704/333-8107

08-102861

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NOTICE

TAKE NOTICE that an objection has been filed by Wells Fargo Bank, NA. A copy of the objection accompanies this notice.

TAKE FURTHER NOTICE that a hearing will be held on this objection. The Court will conduct a hearing and provide notice of the time, date and place of hearing.

Dated the 14th day of September, 2011.

S/ Kimberly A. Sheek
Kimberly A. Sheek
N.C. State Bar No.: 34199
Attorney for
Wells Fargo Bank, NA
SHAPIRO & INGLE, L.L.P.
10130 Perimeter Parkway, Suite 400
Charlotte, NC 28216
(704) 333-8107

Address of Court:

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing and annexed pleading or paper upon:

(Served via U.S. Mail)
Leroy David Deberry and Linda Hill Deberry
10001 Academy Rd
Laurinburg, NC 28352

(Served via Electronic Notification Only)
John T. Orcutt
6616-203 Six Forks Road
Raleigh, NC 27615

(Served via Electronic Notification Only)
Richard M. Hutson, II
302 East Pettigrew St., Suite B-140
P.O. Box 3613
Durham, NC 27702

by depositing the same in a postpaid wrapper properly addressed to each such party or his attorney of record in a post office or other official depository under the exclusive care and custody of the United States Postal Service or by electronic mail, if applicable. Any party that can be served by electronic mail will receive no other form of notice.

This the 14th day of September, 2011.

S/ Kimberly A. Sheek
Kimberly A. Sheek
N.C. State Bar No.: 34199
SHAPIRO & INGLE, L.L.P.
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